THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.10582 of 2006

14.9.2006

Between:

Smt.Sabbavarapu Ammanamma, W/o.Venkata Krishna Rao
… Petitioner

AND

The Assistant Divisional Engineer, Operations, APEPDCL, S.Kota, Vizianagaram District And another
… Respondents

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ORDER:

The petitioner is availing power supply to M/s.Lakshmi Modern Rice & Floor Mill, Dharmavaram Village of S.Kota Mandal in Vizianagaram District (Service Connection No.696, Category-II). Allegedly the respondents, without issuing any notice to the petitioner, disconnected the power supply in June 2003. Feeling aggrieved by the same, the petitioner raised a consumer dispute being C.D.No.887 of 2003 before the District Consumer Forum, Visakhapatnam. Learned Forum by an order dated 29.6.2004 allowed the said petition directing the respondents herein not to disconnect power supply of petitioner's service connection. In the mean while the second respondent issued notice dated 25.2.2003 (Provisional Assessment Order), advising the petitioner to pay an amount of Rs.1,81,116/- and pay an amount of Rs.90,558/- (Rupees Ninety thousand five hundred and fifty eight only) for availing power supply. Aggrieved by the same, the petitioner filed the present writ petition seeking a writ of Mandamus declaring the action of the respondents in disconnecting the power supply in spite of the orders of the District Consumer Forum, Visakhapatnam, as illegal and arbitrary.

After hearing the learned Counsel for the petitioner and learned Standing Counsel for A.P. Transco, this Court is of considered opinion that when the petitioner has already obtained a favourable order from

the District Consumer Forum and there is non-compliance with such order, it is always open to her to file a penalty application before the District Consumer Forum itself under Section 27 of the Consumer Protection Act, 1987. Be it noted that the District Consumer Forum has penal powers to punish a defaulter with imprisonment upto three years. Therefore, liberty is given to the petitioner to approach the District Consumer Forum, Vizianagarm/Visakhapatnam, having jurisdiction, for complaining about the non-compliance of the order dated 29.6.2004 in C.D.No.887 of 2003. If the petitioner has not made any representation pursuant to the provisional assessment order dated 22.5.2003, it is open to her to make such representation before the Final Assessment Authority. As and when the petitioner files application before the District Consumer Forum, the Forum may take up the same and pass appropriate order, after giving notice to the respondents, within a period of one week after such notice.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

September 14, 2006.

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